



Credit Bureau Association

# CBA Policy Directives

**2020**

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## POLICY DIRECTIVE 001

**Title:** PD001 Provision of Credit Reports  
**Applicable to:** All membership categories

### PURPOSE

The purpose of this document is to set out the required credit bureau processes when issuing credit reports to consumers in terms of section 72 of the National Credit Act No.34 of 2005, as amended (the "NCA"), as well as in terms of the Consumer Protection Act No.68 of 2008 (the "CPA"). In the case of this policy, reference to 'consumer' also includes any juristic consumer who is subject to the provisions of the NCA.

### POLICY

In terms of section 72 of the National Credit Act, No 34 of 2005, as amended ("the NCA"), members of the CBA will provide consumers with credit reports on the following basis: (i) one free credit report per annum and (ii) thereafter at any time upon payment of the credit bureau's fee, if any, provided that the consumer provides the following information when requesting the report:

#### A. IDENTIFICATION OF THE CONSUMER

- **Sufficient identification of the requestor:** As a minimum the requestor must provide the consumer's full name, date of birth, and identity number, or passport number, if no identity number is available. In addition, provision may be made for details pertaining to residential address, and/or details of employment. Upon request of a consumer's credit report, the credit bureau must take steps to verify the identity of the requestor. The identification process may include, but is not limited to, the use of electronic identification through a series of authentication questions verified against information hosted by the credit bureau; the use of biometric identification; or as per requirements in the attached Annexure.
- **Failure to verify identity of the requestor:** If the credit bureau is unable to verify the identity using its chosen method of identification, the requestor must as a minimum provide proof of this/her full names, date of birth and identity number by providing a copy of the national identity document. If the identity document is unavailable, a copy of the passport or a full birth certificate and a valid driver's license, must be provided.

#### B. PROOF OF RESIDENTIAL ADDRESS

In addition, as agreed between the NCR and the credit bureaus, the requestor must submit proof of residential address by submitting any of documents in accordance with the attached Annexure.

**A request made on behalf of a person:** Whenever a request for a credit report is made on behalf of another person, a duly completed and signed consent form must be provided which reflects the consumer's and the 3rd party representatives name, surname, ID number or passport and date of birth; and a consent by the consumer to the relevant credit bureau to release the consumer's credit report to the 3rd party representative.

If the request is made by any other means other than electronically, proof of the requestor's and the consumer's identity and address must be provided. If the request is made electronically, the requestor must provide the information above if requested to do so.

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## **REFERENCES**

*National Credit Act No.34 of 2005, as amended*  
*Promotion of Access to Information Act, No 2 of 2000 (PAIA) and*  
*Financial Intelligence Centre Act, 38 of 2001 (FICA)*

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## **FICA DOCUMENTS REQUIRED**

### **PERSONAL CAPACITY**

Copy of ID document (SA Citizens) / Passport (Foreign Nationals)

Proof of address less than three months old (for example utility bill, store account statement, bank statement with address, DSTV account, municipal letter) or such proof of address as may be applicable to the amendments to the FICA Act

Should you not have proof of address in your name, you may provide a declaration by a third party confirming that you share an address with them and provide the third party's proof of ID and proof of address (less than three months old)

Copy of SARS document confirming income tax number

Copy of bank statement confirming individual banking details (less than three months old)

## POLICY DIRECTIVE 002

**Title:** PD002 Bureau to Bureau Notifications

**Applicable to:** Full members

### **PURPOSE**

The policy directive defines the processes and procedures that CBA members must adhere to with respect to the bureau to bureau notifications.

### **POLICY**

In relation to the bureau to bureau notification process the following agreements have been reached:

#### **The sharing of those disputes that are resolved in favour of the consumer:**

- The bureau to bureau notification requirement applies specifically to challenges to the accuracy of data as provided for in Section 72(1) (c) of the National Credit Act No. 34 of 2005 (NCA) read together with section 72(3) (b) of the NCA, and regulation 20(3) of the general regulations in terms of the NCA and specifically where a dispute is resolved in terms of the consumer. Examples of challenges to the accuracy of data to which the bureau to bureau notification applies, has been listed in the CBA consumer dispute directive, and includes outdated information, duplicated information, factually incorrect information and information related to fraud. The bureau to bureau notification requirement does not apply to updates, queries, complaints and general enquiries as defined in the CBA Dispute Directive PD019. This bureau to bureau notifications directive must be read with the CBA Dispute Directive PD019.
- A credit bureau that removes data in terms of section 72(3)(b) of the NCA, following a challenge to the accuracy of data, must notify all full member bureaux of the CBA within 48 hours of removing the data.
- A member bureau receiving notification of the removed data from another member bureau must remove the data within 5 business days of receipt of such a notification.
- The file layout based on the definition of challenges to the accuracy of data as set out in the CBA Dispute Directive PD019, has been agreed to and signed off by all full member bureaux, and must be used by all full member bureaux for the purpose of transmitting the information to the other credit bureaux.

#### **The sharing and subsequent removal of paid up judgments**

- S71A of the NCA requires credit providers to submit information relating to paid up judgments to all registered credit bureaux within seven (7) days of receipt of such payment from the consumer. In turn, recipient credit bureaux are required to remove settled judgments within 7 days of receipt of the notification. These paid up judgments must be notified to all bureaux via the B2B process until such time as these are submitted via the Data Transmission Hub.

- In terms of the Regulations to the NCA (as published in GG No.37386 of 2014) regarding the removal upon settlement of capital amount of a judgment debt and/or administration order, the following applies to the bureau-to-bureau notification requirement:
  - Within three 3 days of removing the information relating to paid up judgments and/or administration orders, a registered credit bureau must notify all other full member bureaus of the judgment debt and/or administration orders removed as a result of these having been settled.
  - In turn, the recipient credit bureaus must logically delete from its records the settled judgments and/or administration orders within 3 days of receipt of such notification.
- The file layout based on the removal of paid up judgments has been agreed to and signed off by the full member bureaus and SACRRA.
- Information, transferred as part of the bureau-to-bureau notification process, must be shared via secure FTP.

### **Sharing of Debt Counselling Enquiries**

Bureaus have agreed to share Debt Counselling Enquiries by means of a daily SFTP file in an agreed layout and format with a view to assisting credit providers who are lending to customers who may be entering into debt review.

Credit bureaus will ensure that the enquiry being shared is an enquiry performed by a debt counsellor for debt review purposes.

Credit bureaus will apply the Reg 17(1) data retention rules to Debt Counselling Enquiries.

**Effective Date: This Policy Directive will be effective from 1<sup>st</sup> November 2020, as credit bureaus are currently establishing an SFTP site to administer the B2B process.**

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### **REFERENCES**

*National Credit Act No.34 of 2005, as amended*

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## **POLICY DIRECTIVE 003**

**Title:** PD003 Judgments and Adverse Listings

**Applicable to:** Full members

### **PURPOSE**

This policy directive provides member credit bureaus with guidelines in respect to the recording of civil court judgments and adverse listings.

### **POLICY**

The CBA Executive Committee on 24 July 2007, issued the following policy directive in respect of judgments:

Member credit bureaus are not required to receive, report and display civil court judgments granted for debts less than two hundred rand (R200), as the cost to take judgment for this amount is greater than the amount involved, and no consumer should be forced to pay costs greater than the debt owed. This policy directive is effective from 1 August 2007.

The CBA Executive Committee on 24 July 2007, issued the following policy directive in respect of adverse listings:

Member credit bureaus are not required to receive, report and display adverse listings for debts less than one hundred rand (R100). Where the current balance, instalment or overdue amount of a negative status code is submitted and is less than R100, credit bureaus will reject these records.

This policy directive is effective from 1 August 2007.



## **POLICY DIRECTIVE 004**

**Title:** PD004 Cheques returned to drawer  
**Applicable to:** All members

### **PURPOSE**

This policy directive provides member credit bureaus with guidelines in respect of the display of cheques returned to drawer.

### **POLICY**

The CBA Executive Committee on 23 October 2007, issued the following policy directive in respect of cheques returned to drawer:

Suppliers may only submit, and member credit bureaus may only record, adverse information in respect of cheques returned to drawer (R/D Cheques) where the supplier of data warrants that its submission of data is due to the fact that the cheque has been returned on the grounds of "insufficient funds".

## POLICY DIRECTIVE 005

**Title:** PD005 Rehabilitated and Unrehabilitated Insolvents

**Applicable to:** Full members

### **PURPOSE**

This policy directive provides member credit bureaus with guidelines in respect of the treatment of rehabilitated and unrehabilitated insolvents.

### **POLICY**

The CBA members have agreed to the following;

Judgments and all adverse information as defined in the National Credit Act on a consumer's profile prior to the Notice of Sequestration, including the Notice of Sequestration, shall be removed from that person's credit profile upon receipt of a Rehabilitation Order. In addition, any information that was loaded prior to the date of sequestration and which formed part of the original sequestration order, shall have a status Code C applied and financials zeroed up and until the date of rehabilitation.

The Rehabilitation Order shall remain on the person's credit profile for five (5) years from the date of the rehabilitation order having been granted (or such other period as may be regulated from time to time) at the end of which period it must be expunged from the person's credit profile. If the insolvent is not rehabilitated, the Notice of Sequestration shall remain on the person's credit profile for a period of five (5) years from the date of the Sequestration Order (or such other period as may be regulated from time to time)), at the end of which period it must be expunged from the person's credit profile."

Where development is required by a credit bureau to comply with this Policy Directive, such bureau will comply with this Policy Directive with effect from 1<sup>st</sup> November 2020.

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### **REFERENCES**

*National Credit Act 34 of 2005, as amended*

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## POLICY DIRECTIVE 006

**Title:** PD006 Debt Review Clearance Certificates

**Applicable to:** Full members

### PURPOSE

The policy directive defines the processes and procedures that CBA members must adhere to with respect to the minimum standards and procedures to be followed upon receipt of a clearance certificate issued in terms of section 71(5) of the NCA.

### POLICY

#### **Verification of Authenticity of the Clearance Certificate:**

An update of the consumer's record at the credit bureau in relation to a Clearance Certificate is made when a bureau receives the relevant status from the Debt Counsellor via the Debt Help System. Upon receipt of a certified copy of the clearance certificate from the Debt Counsellor, a credit bureau must first take reasonable practicable steps to verify the authenticity of the Clearance Certificate. In particular, a credit bureau should observe the following guidelines:

- Check the layout/format of the Clearance Certificate (e.g. fonts, alignment, wording etc.). The documentation received should contain:
  - ✓ correct credit provider names;
  - ✓ correct date and correct signature – check that the date is not a Sunday or Public Holiday; or a clear indication on the face of the certificate that it is an official certificate;
  - ✓ check for correct debt counsellor name and contact details - check that the name of the debt counsellor that issued the certificate is the same as the name of the debt counsellor that accepted the application for debt counselling;
  - ✓ correct debt counsellor case reference number;
  - ✓ correct consumer name and consumer's identity number;
  - ✓ correct date and correct signature – check that the date is not a Sunday or Public Holiday; or a clear indication on the face of the certificate that it is an official certificate – check for spelling mistakes and other obvious discrepancies
- Common fax numbers where these certificates emanate from should be noted and flagged.
- Compare the date of the application for debt counselling and the date on which the certificate was granted to ensure that these follow in logical order.
- Make sure that the consumer and credit provider details appear in the correct places.
- If a letterhead from a debt counsellor is provided, it must be scrutinised to ensure that it belongs to the debt counsellor responsible for the case and that it is from a debt counsellor registered with the NCR. The debt counsellor's NCR registration number must be apparent on the documentation.

- Any inaccuracies or hand written and unsigned changes require telephonic confirmation with the relevant debt counsellor and confirmation of the telephonic validation must be added to the comment field within the relevant workflow system.
- No authorisations should be given for removal of the debt restructuring information unless this process has been adhered to.
- All examples of confirmed invalid clearance certificate documentation must be sent to the relevant department / area within the bureau in order to generate a file for invalid documentation.

### **Actions to be taken by the credit bureau following the receipt of a clearance certificate and/or clearance code**

The following is as per agreement with the National Credit Regulator.

#### Actions to be taken following the receipt of a clearance code from DSG with no accompanying clearance certificate

- Upon receiving a clearance status code (Status code F) from DHS with no accompanying clearance certificate, Bureaus should only remove the debt counselling flag on the consumer's profile and must not action the removal of adverse information until an authentic clearance certificate has been received.

#### Actions to be taken following the receipt and verification of a clearance certificate:

- Upon receiving a copy of an authentic clearance certificate in terms of section 71(5) of the NCA, a credit bureau must remove the debt counselling flag as well as all adverse information as defined in the National Credit Act (excluding civil court judgments) pertaining to those credit agreements listed on the clearance certificate.
- As per agreement with the National Credit Regulator, although not set out in the National Credit Act, the Bureaus will remove all adverse information (excluding civil court judgments) that reflect on the consumer's profile as at the date of the clearance certificate (and not the date of the debt review order per the National Credit Act). The removal of data is only applicable to those credit agreements that are listed on the clearance certificate.
- The removal of adverse information relates to:
  - The debt counselling flag on the consumer's profile.
  - Any months in arrears greater than zero.
  - Any adverse status code reflected on the payment profile line.
  - Any default data record.
  - The removal of adverse information does not relate to civil court judgments.

**Action to be taken in respect of updating of balances and negative information:**

- To update balances and negative payment profile information the debt counsellor must provide a paid-up letter for each account listed in the clearance certificate, failing which the matter must be referred to the NCR for verification.
- Upon receipt of the paid-up letters or verification from the NCR the payment profile information must be amended to reflect as settled/paid up.

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**REFERENCES**

*National Credit Act No.34 of 2005, as amended*

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## POLICY DIRECTIVE 007

**Title:** PD007 Dormant Micro Loan Accounts  
**Applicable to:** Full members in respect of L500 and L700, not to be applied once suppliers are submitting Layout 700v2

### PURPOSE

The purpose and objective of this document is to identify and update dormant micro loans to ensure improved data quality as required in regulation 18(2) of the National Credit Act No.34 of 2005 (the "NCA")

### DEFINITIONS

For purposes of this policy directive the following phrases bear the following meanings:

- A micro loan account is defined as an unsecured loan account hosted by the credit bureaus where the account type is one of the followings: 1, 2, 3, 4, J, K & M.
- A dormant micro loan is an open/active unsecured loan (account types 1, 2, 3, 4, J, K & M) where no payment performance information has been received from the credit provider for more than six months.

### POLICY

It was resolved by the members of the CBA that dormant micro loan accounts, which meet the following criteria, must be updated by members of the CBA to be reflected as a closed account – i.e. status code "C" on the date that the action took place (status date):

- All dormant micro loan accounts that reflect an open date of older than 6 months; and
- no update has been received from the data supplier in the last 6 months; and
- the data submission is up to date; and
- the account is reflected as being either current or 1 months in arrears; or
- the account is reflected as being more than 1 month in arrears, but the term of the credit agreement has expired.

Dormant micro loan accounts may not be amended where the account status is reflected as either a W, I, J or L.

## POLICY DIRECTIVE 008

**Title:** PD008 Footprinting

**Applicable to:** Full members

### **PURPOSE**

This policy directive provides member credit bureaus with guidelines in respect of foot printing certain enquiries.

### **POLICY**

CBA members are not required to display "footprinting" of sensitive enquiries for investigation purposes done by forensic auditors, investigators, SAFPS, HR divisions, SARS, SAPS etc. The rationale for this policy is that the display of footprinting of such sensitive enquiries, could lead to the person under investigation being alerted to the investigation, thereby defeating the purpose of the investigation.

CBA members are not required to display "footprinting" of the pre-vetting of marketing lists. The rationale for this is to prevent distortion in scoring which takes enquiries into account; and furthermore, a credit bureau would have no knowledge of whether or not an offer of credit was made.

CBA members are not required to display "footprinting" where the consumer instructs / consents to enquiries on their profile which should not be footprinted, provided that it is not enquired performed for affordability assessment or credit application, debt counselling or related purposes.

CBA members are not required to display "footprinting" where the enquiry is performed by the consumer or his agent for internal use by the consumer and includes enquiries for free or paid credit reports for the consumer.

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## POLICY DIRECTIVE 009

Title: PD009 Insurance Commissions

Applicable to: Full members

### PURPOSE

This policy directive provides member credit bureaus with guidelines in respect of commissions owed to insurance companies.

### POLICY

#### Definitions:

**Independent Intermediary; Independent intermediaries** – shall bear the meaning set out in the Regulations under terms of the Long-Term Insurance Act, as amended from time to time; and

**Representative** – shall bear the meaning set out in the Regulations under the Long-Term Insurance Act, as amended from time to time.

Debts owing to insurance companies by independent intermediaries or representatives arising from commissions paid to such independent intermediaries or representatives and reclaimed on account of commissions being required to be adjusted or refunded in terms of Regulations issued under the Long-Term Insurance Act No.52 of 1998 (the Act), may be recorded by members of the CBA, subject to the following primary conditions:

- that the debt is due and payable in terms of the Act and its Regulations, at the time of listing;
- that the amount owing which is to be listed is calculated in terms of the Act and its Regulations;
- that such debt, and the amount listed, may only be recorded once.

In addition, the following rules are applicable:

- the source of data must have consumer consent to report the debt to a credit bureau where such consent is required in accordance with Regulation 18(6)(d) of the National Credit Act.
- The debt can only be listed if the debt has been incurred by a natural person and not a brokerage firm.
- The debtor must be informed by giving him/her 20 business days' notice of the Life Office's intention to list him/her at the relevant Credit Bureau due to a debit balance owing.
- The Life Office must keep evidence of its notification to the debtor of its intention to list and may be required to present it to the credit bureau, should the debtor allege that such notification was not received.
- Upon expiry of the 20-business day notice of intention to list, the Life Office can proceed to list the debtor as "Insurance commissions owing".



- The debt can be listed:
  - Once the contract/agreement with the broker or representatives has been terminated by the insurance company; or
  - If the contract or agreement has not been terminated, and the insurance company continues doing business with the broker or representatives, then commissions owing can only be listed once in a two-year period.
  - The same debtor can be listed again after a two-year period but not be for the same debt.
- The debt and the amount of the debt can only be listed once and cannot be amended on a month to month basis as the amount escalates due to further reversed commissions.
- The listing will be displayed on the Credit Bureau in accordance with the maximum display periods prescribed in terms of Regulation 17 of the National Credit Act, 34 of 2005 (the NCA), for the category “adverse classifications of consumer behaviour”, that is, one year.
- The Life Office or insurance company is required in terms of the NCA to ensure that the information submitted to the credit bureau is accurate, up-to-date, relevant, complete, valid and not duplicated; and that at the time of the listing the debt has not prescribed.
- The information submitted to the credit bureau must contain the following mandatory categories of data: initials and surname or full names of the broker or representatives; and the brokers or representatives’ South African identity number or if the broker has no South African identity number, then the broker’s passport number and date of birth.
- Once listed, the information can only be removed on instruction by the Life Office or insurance company, if it is factually incorrect, that is, reported in error, related to fraud or if it is a duplicate listing or if it has been paid in full.
- The intermediary or representatives listed may at any time challenge the record, in the event of such challenge the Life Office or insurance company, will be called upon to provide credible evidence to the credit bureau, in support of the information listed within 20 business days, failure to provide such evidence will result in the listing being removed.
- A listing cannot take place if it is subject to a dispute between the Life Office/insurance Company and the broker or representatives.
  - If the debt is paid in full by the broker or representatives, then the default listing must be updated to reflect this and removed from display as per the regulations to the NCA.
  - The Life Office may proceed with the issue of summons for the recovery of the debt amount.
  - Upon the Life Office obtaining judgment the judgment will be recorded on the debtor’s credit profile as a judgment.

## POLICY DIRECTIVE 010

**Title:** PD010 Foreign Debt

**Applicable to:** Full members

### PURPOSE

This policy directive provides member credit bureaus with guidelines in respect of the listing of foreign debt from neighbouring SADC countries.

### POLICY

A registered credit bureau may list or maintain debt incurred in a foreign country by a consumer, provided that:

- any applicable regulatory/legal requirements pertaining to the jurisdiction in which the debt arises, have been complied with; and
- credit bureaus obtain contractual undertakings from the credit provider and/or relevant industry body (where applicable), to list or maintain this debt.

Debt incurred in a foreign country is not “consumer credit information” as defined in the National Credit Act, 2005, as amended.

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### REFERENCES

*National Credit Act No.34 of 2005, as amended*

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## POLICY DIRECTIVE 011

**Title: PD011 Non-retainable and non-displayable data**

**Applicable: Full members**

### PURPOSE

This Policy Directive provides member credit bureaus with a guideline in respect of the listing of adverse information and judgments in relation to information received from sources of consumer credit information ("credit information") as contemplated in S70(2) of the NCA where these persons are not providing payment profile information in respect of consumers.

### NOTES

- a) Credit bureaus **are obliged to** accept credit information and adverse information from any credit provider in accordance with Section 70(2)(a) read together with Regulation 19(13) of the NCA and from data providers who provide payment profile information to the credit bureaus without requiring the consent of the consumer, in accordance with the Guidelines issued by the NCR pursuant to Regulation 19(13).
- b) Regulation 18(7) also provides that credit bureaus **may** receive credit information (positive or adverse information) or judgments from any party referred to in Reg 18(7) which includes an organ of state or a court or judicial officer. In addition credit bureaus may receive credit information from any person who supplies goods, services or utilities to consumers, or an insurer, provided that where the information is not related to or intended for the purpose of providing consumer credit, the consent of the consumer has been obtained in terms of Regulation 18(6)(d) to use that information for such purpose and to submit, compile or report such information. The use of the words "may" in Regulation 18(7) indicates that the bureaus have a discretion as to whether to accept the information or not. Regulation 18(7) does not place a mandatory obligation on a credit bureau to accept all information reported to it. The bureaus, when accepting information from sources of data, determine firstly whether that information is relevant to credit risk and/or credit worthiness of a consumer.

### POLICY

The CBA Executive Committee has agreed that credit bureaus who are full members of the CBA shall at all times seek to ensure that the information loaded on the credit bureaus' database is information that is capable of being used for a purpose in the NCA and/or should provide a more accurate reflection of the ability of a consumer to afford credit when assessing whether to load information received by a permissible data source as set out in Regulation 18 (7).

Accordingly, the CBA Executive Committee has set out the following principles to be applied in determining the circumstances when the full members of the CBA will not retain or display any data in respect of the parties detailed in Regulation 18 (7):

- Any entity who does not have consumer consent to list such adverse information, unless otherwise specified in legislation to this effect;

- Any entity who provides data of such poor quality that if the data were included on a consumer's credit profile, such information would negatively impact a consumer's affordability assessment and would result in an excessive number of disputes as a result of the loading of such data;
- provides data where the nature of the data itself does not reflect or impact a consumer's ability to afford or repay credit granted;
- Any entity that seeks to use the credit bureau solely as a tool for collection purposes.

The CBA Executive has specifically noted that the following entities fall into the above categories, however, this may apply to other parties as may be determined by the CBA Executive from time to time.

#### SABC listings:

Credit bureaus will not list SABC debt on the records of the credit bureaus for the following reasons:

- The SABC does not have the consent of consumers to list SABC debt, neither is there any statutory obligation requiring it to list defaulters on the credit bureaus or for credit bureaus to accept the filing of such information;
- This data is not a true reflection of a consumer's ability to afford or repay credit granted;
- Listing the data on the bureau is a debt collection tool for the SABC. The credit bureaus are not intended for this purpose.

#### Road Traffic Offences and E-tolls:

Credit bureaus will not list debt arising from Road Traffic Offences or non-payment of e-toll fines on the credit bureaus.

In addition to the principles set out above, payments due in terms of Road Traffic Offences do not meet the provisions of Regulation 18(7), Regulation 19(4) and Regulation 19(7) which must be complied with prior to reporting any non-credit related information to a credit bureau.

With respect to E-tolls, in addition to the principles set out above, as a result of an amendment to and the inclusion of Section 60(3) to the SANRAL and the National Roads Acts by the Transport Laws and Related Matters Amendment Act, 2013, the provisions of the NCA are excluded from being applied to the levying and collecting of tolls in terms of the SANRAL and National Roads Act.

#### Court orders for costs or damages

Cost orders have no bearing on, or relevance to a consumer's creditworthiness, nor do court orders for costs or damages arise out of a credit agreement. Consequently, credit bureau members may not record cost orders as such orders have no relevance to the assessment of creditworthiness or credit risk.

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#### **REFERENCES:**

*National Credit Act No.34 of 2005, as amended*  
*Transport Laws and Related Matters Amendment Act, 2013*

## POLICY DIRECTIVE 012

**Title:** PD012 Prescription and Duplicate Listings

**Applicable to:** All members

### **PURPOSE**

This policy directive provides member credit bureaus with guidelines in respect of the listing of prescribed debts.

### **BACKGROUND**

The Prescription Act 68 of 1969, as amended, provides for the extinction of debts by prescription. The effect of prescription is such that a debt is extinguished after the elapse of the prescribed period to institute legal proceedings against a debtor, which applies in respect of that debt.

Prescription commences to run as soon as the debt is due, this means that the debt must be immediately claimable by the creditor and the debtor must be under an immediate obligation to perform.

The following prescription periods are stipulated:

#### **30 years**

Judgment debts

Debts secured by mortgage bonds

Debts in respect of taxation or levies

Debts owed to the state in respect of any share of profits etc. in respect of the right to mine minerals or other substances

#### **15 years**

Certain other debts owed to the state arising out of an advance or loan of money or a sale or lease of land by the State to the debtor, unless a longer period applies in respect of the debt in question in terms of the periods above.

#### **6 years**

Debts arising from a negotiable instrument or notarial contract, unless a longer period applies in respect of the debt in question in terms of the periods above.

#### **3 years**

In respect of any other debt, except where an Act of Parliament prescribed differently.

Regulation 19(5) of the National Credit Act prescribes that no source of information may submit information to a credit bureau that has prescribed in terms of the Prescription Act.

The National Credit Amendment Act (NCAA) amended the provisions relating to Prescription in S126B of the NCA by stating that no person may sell, collect or re-activate a debt that has prescribed, and any person doing so, will be guilty of an offence.

## **POLICY**

Credit bureaus do not have the ability to determine whether or not a debt has prescribed and are dependent on the data suppliers to supply accurate, up to date information. The Credit Bureaus have however taken the following steps in discussion with the industry to ensure that prescribed debt is correctly reflected at the credit bureaus:

- The Credit Bureaus have a current data validation rule in place to prevent data being loaded where no activity has taken place on an account for a period of 36 months (i.e. the consumer has not made a payment in the last 36 months). This rule was put in to place in an attempt to identify debt that has prescribed and to prevent it from being loaded to a consumer's credit record, this rule is however insufficient to cater for all scenarios i.e. debt that has been legally interrupted, where the prescription period is great than 3 years etc. As such, the CBA has together with the industry put additional processes in place to effectively deal with the accurate reflection of debt that has prescribed.
- The current data submission layout has been enhanced to:
  - Provide data providers with a mechanism to notify the bureau when prescription has occurred.
  - Provide data providers with a mechanism to notify the bureau when prescription has been lawfully interrupted.
- Any judgment which is found to have been taken in error once the judgment debt has prescribed, will only be removed from the record of the credit bureaus, once such judgment has been rescinded or a paid-up notification has been received from the relevant credit/data provider.

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## **REFERENCES**

*National Credit Act No.34 of 2005, as amended*  
*Prescription Act 68 Of 1969, as amended*

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## POLICY DIRECTIVE 013

**Title:** PD 013 Judgments, including Summary Judgments

**Applicable:** Full members

### **PURPOSE:**

This policy directive provides member credit bureaus with guidelines in respect to the loading and display of judgment information.

### **POLICY:**

It was resolved by the executive committee on 20 September 2017, that credit bureaus will:

- Record all civil judgments, including Summary Judgments and Judgments in terms of Sec 57 (4) of the Courts of Law Amendments Act that are relevant to credit granting and/or an affordability assessment; and
- Only record judgments wherein the initials and surname or full names and identity number and/or passport number and date of birth of the person against whom judgment was given, is stated, unless otherwise correctly identified by the credit bureaus.

In accordance with the National Credit Act No.34 of 2005, as amended (the Act), please note:

- In terms of Regulation 17(1), item 6 of the Regulations, civil court judgments including default judgments may be displayed for a maximum period of 5 years and must be removed from display when rescinded or abandoned in terms of the Magistrates' Court Act No. 32 of 1944.
- If a judgment debt is settled in accordance with Section 71A of the Act, a credit provider must submit information regarding such settlement to the credit bureaux within 7 days thereof; and the credit bureaux must remove the judgment from the records of the credit bureau within 7 days of receipt of the notification from the credit provider.

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### **REFERENCES:**

*National Credit Act No.34 of 2005, as amended*

*Magistrates' Court Act No. 32 of 1944*

*Courts of Law Amendment Act No. 7 of 2017*

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## POLICY DIRECTIVE 014

**Title: PD014 Display Periods – Regulation 17(1)**

**Applicable to: Full members**

### **PURPOSE**

This policy directive provides member credit bureaus with guidelines in respect of abandoned judgments, administration orders, business rescue proceedings, provisional liquidation orders, provisional sequestration orders, and other categories of consumer credit information not specified under Regulation 17(1) of the National Credit Act No. 34 of 2005 (the “NCA”).

### **BACKGROUND**

#### High Court Abandoned Judgments

- Regulation 17(1) currently allows for the removal of judgments abandoned under the Magistrates’ Courts Act 32 of 1944 (“MCA”) from a consumer’s credit report. There is no similar provision for judgments abandoned in the High Court, even though such abandonments are contemplated and permitted in terms of Rule 41(2) of the Supreme Court rules.
- The result is that abandonments in the two different courts have been treated differently, in that abandonments of High Court judgments have not been completely removed from a consumer’s credit report, and the consumer’s report has only been annotated or endorsed with wording to the effect that the judgment has been abandoned.
- This has resulted in discrimination between judgments taken in the Magistrates’ Court and those taken in the High Court, which is prejudicial to consumers with judgments taken against them in the High Court. This position is further exacerbated by the fact that the MCA provides for the rescission of judgments through its Rule 49, and by means of which most judgments are generally rescinded (thereby alleviating the need for section 86 abandonments), while the High Court does not have a similar rule for rescission of High Court judgments by consent. As such, consumers with judgments in the High Court can accordingly really only rely on the abandonment of the judgment in terms of Rule 41(2) following a settlement between the parties, while still being unable to fully restore his/her credit status given that the credit bureaus are unable to remove this information, thereby potentially exposing the consumer to prejudice by an uninformed credit provider.

#### High Court Rescinded Judgments

Regulation 17(1) makes provision for the removal of judgments from a consumer’s credit report that have been rescinded in terms of the Magistrates’ Courts Act 32 of 1944 (“MCA”). While there is no similar provision for judgments that have been rescinded in the High Court; the Courts of Law Amendment Act 2017 now permits the rescission of High Court judgments by consent or where such judgments have been paid.



In terms of S71A of the NCA read with the Removal of Adverse Consumer Information Regulations, 2014, S2(i) credit bureaus are obliged to remove judgments where the capital sum has been paid up within seven days of receiving proof of such payment.

#### Administration Orders under the Magistrates Court Act No. 32 of 1955 (the "MCA"), sections 74U & 74Q

- Item 11 in Regulation 17(1) prescribes that administration orders be displayed for a period of 5 years or until rescinded by a rescission order granted by the court under whose supervision the administration order is being executed, in terms of section 74Q of the MCA.
- Section 74U of the MCA however allows for the automatic (and inexpensive) lapsing of an administration order once all administration costs and listed creditors have been paid in full, and the administrator lodges a certificate to this effect with the clerk of the court and creditors.

While this section is appealing to debtors from a cost and ease perspective, regulation 17(1) of the NCA does not specifically permit the removal of this information from display on the debtor's credit record at the credit bureau, and the credit bureaus currently only update the consumer's record to reflect that the listed creditors have been paid in full, which might still prejudice the consumer.

- Additionally, once an administration order has lapsed in terms of s74U, the court is no longer able to rescind the administration order (as it is legally unable to rescind a lapsed order), and the debtor loses the ability to apply for a rescission in this event.

#### Business Rescue Proceedings under the Companies Act N0.71 of 2008

The application of the NCA is in general extended to businesses with asset value or annual turnover of less than a million rand and where these small businesses enter into a small or intermediate credit agreements i.e. the agreement is not a mortgage bond or the principal debt is less than R250000,00. Regulation 17(1) however does not include or cater for business rescue applications made by these entities in terms of the Companies Act, which permits companies to enter business rescue either voluntarily or by court application.

#### Provisional and final Liquidation Orders

Regulation 17(1) of the NCA does not prescribe a maximum display period for provisional or final liquidation orders. These types of orders are however relevant to credit scoring and credit risk assessment.

#### Provisional Sequestration Orders

Regulation 17(1) of the NCA does not prescribe a maximum display period for provisional sequestration orders. These types of orders are however relevant to credit scoring and credit risk assessment.

#### Other categories of consumer credit information not specified under Regulation 17(1) of the NCA

Regulation 17(1) of the NCA does not prescribe a maximum display period for various other types of consumer credit information ("Other Information") not specifically provided for in Regulation 17(1). Other Information may however be relevant to credit scoring and credit risk assessment.

### Sub regulations 2 to 5 of Regulation 17

Sub regulation 2 to 5 of Regulation 17 was deleted by the National Credit Regulations including, Affordability Assessment Regulations as published in the Government Gazette No.38557 of 13 March 2015 under Notice R.202. It is unclear whether or not this deletion was intentional. The sub regulations read as follows:

- The date of the event is the date on which the relevant order was given or the date on which the event occurred which is being displayed in the consumer credit record:
  - Adverse classification of consumer behaviour are subjective classifications of consumer behaviour and include classification such as delinquent, default, slow paying absconded not contactable.
  - Adverse classifications of enforcement action are classifications related to enforcement action taken by the credit provider, including classifications such as "handed over for collection or recovery", "legal action", or "write-off";
  - Payment profile refers to the consumer's payment history in respect of a particular transaction."

This deletion introduced uncertainties in that it is unclear from which date the retention periods should be applied.

### **POLICY ADOPTED**

The CBA Executive Committee approved and issued the following policy directive in respect of abandoned judgments, administration orders and business rescue, provisional and final liquidation orders, provisional sequestration orders, and Other Information not specified under Regulation 17(1).

- In addition to the display periods set out in regulation 17(1) of the NCA, where abandoned or rescinded judgments are received, other than through the dispute process, credit bureaus are permitted, within 7 days of the date of receipt of such rescinded or abandoned judgment to:
  - remove High Court civil judgments, abandoned under Rule 41(2);
  - remove High Court civil judgments that have been rescinded in accordance with Section 23A of the Courts of Law Amendment Act 2017;
  - treat the lapsing of administration orders in terms of section 74U of the MCA in the same manner as a rescission order granted by the court under section 74Q of the MCA;
  - retain business rescue information only until the business rescue proceedings have been formally terminated in terms of section 132(2) of the Companies Act;
  - display provisional sequestration and provisional liquidation orders for a period of one year or until such time as:
    - There is a court order changing the status of the provisional sequestration or provisional liquidation order to final, in which case the provisional order shall be removed;
    - The provisional sequestration or provisional liquidation order is withdrawn;
    - The order is set aside.

- display a final liquidation order for an unlimited period.
- In relation to “Other Information not specified under Regulation 17(1), the periods for which they will retain and display such information, must align to the purpose for the information unless otherwise directed by the CBA.

**This Policy Directive requires development by credit bureaus and the provisions thereof will therefore only become effective from 1<sup>st</sup> November 2020.**

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#### **REFERENCES**

*National Credit Act No.34 of 2005, as amended*

*Magistrates Court Act 32 of 1944*

*Companies Act No.71 of 2008*

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## **POLICY DIRECTIVE 015**

**Title:** PD015 Judgment against incorrect person

**Applicable to:** All bureaus

### **PURPOSE**

This policy directive provides member credit bureaus with guidelines in respect of cases where the plaintiff or plaintiff's attorney admits in writing to have taken judgment against the wrong person.

### **POLICY**

It must be clearly established that the defendant in the case was not the person the plaintiff intended to sue and suitable documentation must be provided. (This happens most often where a tracing agent provides the plaintiff with the address of a person with the same name, but who in fact is not the actual debtor in the matter). The plaintiff or plaintiff's attorney must submit a 'letter of consent to rescission of the judgment' to the credit bureau, which should contain confirmation that judgment was granted against the incorrect person.

Upon receipt of the letter of consent, the judgment must be removed from the defendant's credit profile, the plaintiff or plaintiff's attorneys must be informed that the bureaus have deleted the judgment, and the plaintiff must be requested to rescind the judgment forthwith.

The judgment must not be transferred to the actual debtor's credit record.

## POLICY DIRECTIVE 016

**Title:** PD016 Credit Ombud Disputes

**Applicable to:** Full Members

### PURPOSE

This policy directive provides member credit bureaus with guidelines in respect of disputes lodged by consumers with the Credit Ombud (the "CO").

### POLICY

The following types of disputes would constitute a credit information dispute in terms of the CO's jurisdiction:

**Disputes/Challenges** – where a consumer challenges the accuracy of information on the credit profile. A consumer will be deemed to have challenged the accuracy of the information on the credit report where it is alleged that the information is:

- Incomplete,
- Outdated (information older than 60 days),
- Factually incorrect, and/or
- Related to fraud.

**Queries/Updates** – where the consumer does not challenge the accuracy of the information on the credit profile but queries the content with the intention to affect an update of the information.

It is agreed that the office of the CO will only implement the following processes in relation to the removal of credit information:

- An intervention, which will occur at an early stage in the dispute resolution process and which will entail a written "request by the consumer" to remove certain credit information. A credit bureau may deny the request, in which case the office of the CO will proceed with the matter in terms of its ordinary dispute resolution processes.
- Forwarding of an agreement reached between a credit provider and a consumer regarding the removal of information, with a written instruction to the credit bureau to remove the data based on the agreement reached between the parties.
- A written instruction from the office of the CO to remove data, supported by written reasons (a CO ruling), following an investigation into the matter by the CO.

- Removal of Default Data in unfairly drawn out mediation: If a credit provider delays the dispute resolution process, by not co-operating for a period of 30 business days by failing to attend the mediation, the CO may instruct the credit bureau to remove the disputed information, by way of a written instruction supported by written reasons.
- Removal of judgments obtained in error: The CO will do the necessary due diligence in consultation with the relevant credit provider, and then instruct all credit bureaux in writing to remove the information in question.
- Processes to follow in terms of fraud cases: Where the CO has established fraud, the CO may instruct the credit bureaux in writing, supported by written reasons to remove the information in question.

A credit bureau has at least 20 business days to investigate a dispute referred by a consumer and 10 business days to attend to a CO request, or instruction. The CO will only deal with consumer disputes after a credit bureau has failed to resolve the dispute. Where the credit bureau has not previously dealt with the issue, it will have 20 business days to complete its disputes process.

Where a dispute is found to be in favour of a consumer, the CO must send the outcome of the CO investigation to all full member bureaux to ensure that all bureaux can correct the information across the board.

## POLICY DIRECTIVE 017

**Title:** PD017 Default and Duplicate Listings

**Applicable to:** Full members

### PURPOSE

This policy directive provides member credit bureaus with guidelines in respect of duplicate listings.

### POLICY

#### Display of adverse data

##### ➤ Display of adverse data - Payment Profile

Payment profile refers to a factual representation of the payment performance of a consumer. As such, each classification of adverse information must be displayed individually for no longer than the maximum retention period as set out in Regulation 17 of the NCA, regardless of any previous or future adverse listings.

For example, if an account was handed over for collection (adverse classification of enforcement action) and then subsequently written off (adverse classification of enforcement action), both events must be displayed only up to the maximum specified retention period.

##### ➤ Display of Public Domain data and Adverse data

Credit bureaus agreed that Public Domain data was only information in the Public Domain, that is, court information, such as Judgments.

In addition, credit bureaus may provide Adverse data to data providers who are not entitled to receive Payment Profile information, in order to provide to those parties accessing the records of the credit bureau for a permitted purpose, an indication of the consumer's credit standing.

Any Adverse data block must:

- a) Only reflect a consumer's most recent adverse listing per a credit/service agreement. This will ensure that the consumer is not prejudiced by having two, or more adverse records in display simultaneously. For example, if an account was handed over for collection (adverse classification of enforcement action) and then subsequently written off (adverse classification of enforcement action), the handed over adverse record must be replaced by the written off adverse record;
- b) Contain adverse enforcement Status Codes W, I, J and L, as displayed in the Payment Profile Information of a consumer.

➤ Default listings on a credit bureau other than via the Data Transmission Hub

Credit bureaus will allow default listings of consumers from sources of data who are not credit providers or data providers who provide information via the Data Transmission Hub, provided that these default listings are submitted to the credit bureaus in accordance with the following criteria:

- All such default listings are applicable in instances where the consumer has bought goods or services where they have defaulted on a commitment to pay for such goods or services and the agreement became an incidental credit agreement;
- Credit bureaus ensure that the suppliers of such default listings warrant that prior to the listing of such defaults, they will meet the requirements set out in Regulation 19 of the NCA and ensure that: i) the data submitted is accurate up-to-date, relevant, complete, valid and not duplicated; ii) no listing will occur if 3 consecutive billing cycles have not been missed; iii) the 20 business day notice has been provided to the consumer prior to listing; iv) no listing will take place in respect of a prescribed debt; v) no listing will take place in respect of a disputed debt;
- Credit bureaus will not report and display adverse listings for debts less than one hundred rand (R100).
- Any default listing accepted by a bureau will follow normal data input validation criteria;
- Credit bureaus will carry out post event monitoring on such default listings.

➤ Duplicate listings

In the credit bureau environment, a duplicate listing of debt is defined as a data record that has been submitted for the same event, with the same action date as a previous listing.

For example, if the consumers account was written off on the 1st of January 2016 and the data supplier then resends this record and it contains the exact same information (same event and same date) then this would be considered as a duplicate listing and should not be listed on the bureaus.

A consumer can however be handed over for collection more than once in the lifecycle of a credit/service agreement and if these events occur on different dates then this would not be considered to be a duplicate submission of data.

➤ Default listings in respect of Suretyships signed in respect of a credit facility or credit transaction:

A default may be listed directly against the surety where the surety has signed as both surety and co-principal debtor, once the principal debtor has defaulted with his/her obligations under the credit agreement. The credit provider in this instance is not obliged to first enforce the debt against the principal debtor.

Where a surety did not accept liability as co-principal debtor, a default may not be listed against the surety until such time as the principal debtor has defaulted on his/her obligations under the credit agreement and the credit provider has first enforced the debt against the principal debtor.

Accordingly, once a credit provider has duly notified the surety and met the obligations set out in Regulation 19 of the NCA in ensuring that:



- i) the data submitted was accurate, up-to-date, relevant, complete, valid and not duplicated;
  - ii) the surety had missed 3 consecutive billing cycles after due demand had been made to the surety;
  - iii) the 20 business' day notice was provided to the surety prior to listing;
  - iv) the listing was not in respect of a prescribed debt;
  - v) the listing was not in respect of a disputed debt;
- the credit provider is entitled to list the surety in respect of the same debt listed in respect of the principal debtor.

- Civil court judgements once granted against a surety may be reported by a credit bureau.

As the surety stands in the same relation to the creditor as the principal debtor, a credit provider must give the surety 20 business days written notice of the principal debtor's default and the surety's liability in terms of the credit agreement before listing of the surety on the records of a bureau.

**Effective Date for this Policy Directive will be 1<sup>st</sup> November 2020.**

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#### **REFERENCES**

*National Credit Act No.34 of 2005, as amended (Referred to as the NCA)*

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## POLICY DIRECTIVE 018

**Title:** PD018 Minimum standards for document control

**Applicable to:** Full members

### PURPOSE

This policy directive provides member credit bureaus with guidelines in respect of the standards and procedures to minimise fraud in relation to documentation received.

### POLICY

#### Court Documentation

The following are typical examples of fraudulent documents supplied. Credit bureau are advised to check for the following:

- Check the layout format of the Rescission document/s (e.g. fonts, alignment, wording etc.).
- If a letterhead from the attorney is included, scrutinize the letterhead; the attorney's letterhead must correspond with the plaintiff or plaintiff's attorney.
- The documentation received should contain:
  - correct court name, district and/or division
  - correct case number.
  - correct plaintiff name.
  - correct defendant name.
  - correct citation of plaintiff and defendant.
  - correct date, court stamp and correct signature.
- Check that court matches the name of the court where the judgment was granted.
- Check that the date that the rescission was granted does not fall on a public holiday or weekend.
- Check that the court stamp includes the date and is clear and readable.
- Check for spelling mistakes on the court stamp and on the complete court order.
- Common fax number and email address where these court orders are coming from should be noted and flagged.
- Compare the rescission date and the date that the order was granted. Sometimes the fraudsters tend to mix them up.

- Make sure that the plaintiff and defendant's details appear in the correct places on the court order.
- The court stamp must correspond to the court where rescission was granted - sometimes you might find a high court order with a magistrate's court stamp.
- Any inaccuracies or hand written and unsigned changes require telephonic confirmation with the relevant court/court agent/clerk of the court, plaintiff or plaintiff's attorney and the confirmation of the telephonic validation must be added to the comment field within. No authorizations will be given for the removal of the judgment from the Consumer's record unless this process has been adhered to.
- All confirmed invalid rescission documentation must be sent to the relevant department within each bureau in order to generate a file of invalid documentation. These invalid rescissions will be shared amongst the bureaus at the monthly CBA meetings.
- Where it appears as though the rescission may be fraudulent, the credit bureau must take the necessary steps to advise the plaintiff accordingly.

#### ID Documentation to verify the source of the document

ID Documentation must be requested if a consumer provides a rescission order. The ID Document must be checked for a date of issue. If a name on the ID document was changed, a marriage or divorce certificate must be requested, to verify the name change. The credit provider, where necessary, can provide the relevant documentation e.g.: ID documents etc. which can be compared with the documentation supplied by the consumer / third party logging the rescission request.

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#### **REFERENCES**

*National Credit Act No.34 of 2005, as amended*

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## POLICY DIRECTIVE 019

**Title:** PD019 Disputes and Credible Evidence  
**Applicable to:** All credit bureaus apart from Reseller credit bureaus

### PURPOSE

This policy directive provides member credit bureaus with guidelines in respect of disputes and credible evidence supplied in resolution thereof.

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### POLICY

1. Section 72(3) provides that:  
"If a person has challenged the **accuracy of information**... (the credit bureau)...must take reasonable steps to seek evidence in support of the challenged information, and within 20 business days of the filing of the challenge must:
  - provide a copy of such credible evidence to the person who filed the challenge; or
  - remove the information, and all record of it, from its files if it is unable to find credible evidence in support of the information.
2. The legal obligation to obtain credible evidence within the prescribed 20 business day period exists when a consumer challenges the accuracy of credit information, not when a consumer challenges credit information on any other basis.
3. The Act does not prescribe a process or procedure where a consumer challenges consumer credit information on a ground other than accuracy of the information. In the absence of prescribed procedure in relation to challenges other than challenges of accuracy of information, the credit bureau may determine a reasonable and fair procedure to address such challenges, having regard to the nature of the challenge and the impact on the consumer. The procedures to address such challenges will be applied by the bureaus as follows:
  - a. Any consumer challenge lodged where the consumer or his/her agent provides fraudulent documentation in respect of such dispute to the credit bureau, will be deemed to be a dispute that is invalid ab initio. Any consumer information that has been removed at the commencement of such dispute will be re-instated immediately once such documentation has been assessed by the credit bureau to be fraudulent.
  - b. The National Credit Regulator's Guideline on the right to challenge credit records and information which disallows the re-loading of challenged credit information where credible evidence is received after the expiry of the 20<sup>th</sup> business day, only applies when a consumer logs a valid dispute, and does not apply to a dispute where the consumer or his/her agent has provided fraudulent documentation, as this renders the dispute void, ab initio.

3.2 The following high-level definitions are included in this document:

- **Disputes/Challenges** – where a consumer challenges the accuracy of information on the credit profile.
- **Queries/Updates** – where the consumer does not challenge the accuracy of the information on the credit profile, but queries the content with the intention to effect an update of the information.
- **Complaints** – where the consumer lodges a call regarding a service-related issue.
- **General enquiries** – where the consumer's issue does not have to be logged and does not require investigation. The consumer can be assisted telephonically and the enquiry is of an information/clarification seeking nature.

Each credit bureau is required to incorporate the requirements of this directive into its training manuals and policy.

## Title: Credible evidence in terms of Dispute PD019

Item Classification	Required Consumer Documentation or information	Credit bureau action	Minimum requirements for credible evidence
<b>Outdated Retention Period – Payment Profile Information</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Written confirmation from the data supplier confirming the date of final payment. OR</li> <li>• A statement of account submitted by the data supplier.</li> </ul>
<b>Outdated Retention Period – Civil Court Judgments</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	A copy of the court order confirming the date which is reflected on the credit bureau.
<b>Outdated Retention Period – Enquiries</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<p>Advise the consumer that the credit bureau date stamps the enquiry and that the enquiry will automatically be removed after 1 year.</p> <p>If the enquiry is older than a year, the credit bureau must remove the enquiry.</p>
<b>Outdated Retention Period – Adverse Classifications of Enforcement Action</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	A written statement from the data supplier that the adverse date is the date which is reflected on the credit bureau.

<b>Outdated Retention Period – Adverse Classifications of Consumer Behaviour</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<p>A written statement from the data supplier that the adverse date is the date which is reflected on the credit bureau.</p>
<b>Outdated Retention Period – Maintenance Judgments</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Copy of Rescission Order</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>		<p>This section will be updated when the CBA has obtained further clarity on how this data will be handled.</p>
<b>Outdated Retention Period – Sequestration Order</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<p>Copy of the court order in order to determine the date upon which the sequestration order was granted by the court.</p>
<b>Outdated Retention Period – Rehabilitation Order</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<p>Copy of the court order in order to determine the date upon which the rehabilitation order was granted by the court.</p>
<b>Outdated Retention Period – Administration Order</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> </ul>	<p>Copy of the court order in order to determine the date upon which the administration order was granted by the court.</p>

	<ul style="list-style-type: none"> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	
<b>Outdated Retention Period – Trace Alert</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	Written confirmation from the data supplier of the date on which the trace alert was submitted to the credit bureau. Data to be removed after one year and classified as adverse information.
<b>Duplicated Information – Adverse Information</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Written confirmation from data supplier that the account is not a duplicate.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Statement of both accounts from the data supplier, proving that they are not a duplicate of each other.</li> </ul>
<b>Duplicated Information – Account Information</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Written confirmation from data supplier that the account is not a duplicate.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Statement of both accounts from the data supplier proving that they are not a duplicate of each other.</li> </ul>
<b>Duplicated Information – Civil Court Judgments/Maintenance Judgments</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	Copies of both court orders confirming that the judgments were in respect of two different debts, indicated by aspects such as different claim amounts and claim dates.



	Number & E-mail address)		
<b>Duplicated Information – Administration Orders/Sequestrations Orders</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> </ul> <p>If no credible evidence is obtained, the information is to be removed/updated.</p>	A consumer cannot be placed under administration/sequestration more than once within a 5year period. Where more than one administration/sequestration order is reflected, the earlier order is to be retained and the latter is to be removed.
<b>Duplicated Information – Trace Alerts</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	Confirmation from the data supplier that the trace alert is in respect of two different accounts.
<b>Factually Incorrect Information –Account does not belong to consumer</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of signed credit agreement, or other proof of contract, together with a copy of the ID document or passport that was submitted by the consumer, other proof of identity obtained. OR</li> <li>• Written confirmation from the supplier that the account/s belong to the consumer and that they will only release such documents to the consumer directly.</li> </ul>
<b>Factually Incorrect Information –Adverse record does not belong to consumer</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of signed credit agreement, or other proof of contract, together with a copy of the ID document or passport that was submitted by the consumer, or other proof of identity obtained. OR</li> <li>• Written confirmation from the supplier that the account/s belong to the consumer and that they will only release such</li> </ul>

			documents to the consumer directly.
<b>Factually Incorrect Information – Civil Court Judgment does not belong to consumer</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of the court related documents, referencing the following: <ul style="list-style-type: none"> <li>○ Consumer’s first name</li> <li>○ Consumer’s last name</li> <li>○ Consumer’s ID number</li> </ul> </li> </ul>
<b>Factually Incorrect Information – Civil Court Judgment was taken in error including Judgments taken in error on prescribed debt</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> <li>• Rescission Order</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Telephonic or written confirmation from the court at which the judgment was granted that the judgment was rescinded.</li> <li>OR</li> <li>• Confirmation from Court Works that the judgment was rescinded.</li> </ul>
<b>Factually Incorrect Information – Administration order does not belong to consumer</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<p>Copy of the court related documents, referencing the following:</p> <ul style="list-style-type: none"> <li>• Consumer’s first name</li> <li>• Consumer’s last name</li> <li>• Consumer’s Proof of identity</li> </ul>
<b>Factually Incorrect Information – Sequestration Order does not belong to consumer</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<p>Copy of the court related documents, referencing the following:</p> <ul style="list-style-type: none"> <li>• Consumer’s first name</li> <li>• Consumer’s last name</li> <li>• Consumer’s Proof of identity</li> </ul>
<b>Factually Incorrect Information – Rehabilitation Order</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the</li> </ul>	<p>Copy of the court related documents, referencing the following:</p>

<p><b>does not belong to consumer</b></p>	<ul style="list-style-type: none"> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<p>disputed information within 20 business days.</p> <ul style="list-style-type: none"> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Consumer's first name</li> <li>• Consumer's last name</li> <li>• Consumer's Proof of identity</li> </ul>
<p><b>Factually Incorrect Information – Merge and Trace Information does not belong to consumer</b></p>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<p>A letter of confirmation (credible evidence) is required from the source of the data (e.g. data supplier, department of home affairs) that the information belongs to the consumer.</p>
<p><b>Factually Incorrect Information – Account information has not been updated for 60 days or more</b></p>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> <li>• Settlement letter</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Written confirmation from the data supplier of the current balance and status of the account. OR</li> <li>• Statement of account from the data supplier.</li> </ul>
<p><b>Factually Incorrect Information – Account was never in arrears</b></p>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> <li>• Statement of account indicating that the account was paid timeously and was never in arrears</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Written confirmation from the data supplier that the account was in arrears. OR</li> <li>• Statement of account from the data supplier confirming that the account was in arrears.</li> </ul>
<p><b>Adverse Listing – No notification was dispatched prior to the listing was reported to the credit bureau</b></p>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the</li> </ul>	<p>Proof from data supplier that the consumer or surety (if applicable) was notified of the possibility of the listing at least 20 business days prior to the adverse date:</p>

	<ul style="list-style-type: none"> <li>Contact details of Consumer or surety (Cell Number &amp; E-mail address)</li> </ul>	<p>information is to be removed/updated.</p>	<ul style="list-style-type: none"> <li>Monthly statement from the data supplier, sent to the consumer or surety (if applicable), advising of the possibility of the listing 20 business days prior to the adverse listing.</li> <li>Letter of demand sent by data supplier to the consumer or surety (if applicable) advising of the possibility of the listing 20 business days prior to the adverse listing.</li> <li>SMS by data supplier to consumer or surety (if applicable) advising of the possibility of the listing 20 business days prior to the adverse listing.</li> <li>Call recording by data supplier to consumer or surety (if applicable) advising of the possibility of the listing 20 business days prior to the adverse listing.</li> <li>Section 129 letter by data supplier to consumer or surety (if applicable) with evidence of notice given to the consumer of the listing 20 business days prior to the adverse listing.</li> </ul>
<p><b>Adverse Listing – The required minimum monthly (or other) instalment payments have not been paid for a minimum period of at least three consecutive billing cycles.</b></p>	<ul style="list-style-type: none"> <li>Proof of identity</li> <li>Proof of address (not older than 3 months)</li> <li>Power of attorney if logged on behalf of consumer by third party agent</li> <li>Contact details of Consumer or surety (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>Mask the information</li> <li>Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>Statement of account from data supplier indicating that the required minimum monthly (or other) instalment payments have not been paid for a minimum period of at least three consecutive billing cycles.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Written confirmation from data supplier indicating that the required minimum monthly (or other) instalment payments have not been paid for a minimum period of at least three consecutive billing cycles.</li> </ul>

<p><b>Adverse Listing – The arrears owing was settled within the 20 business day notice period contemplated in Regulation 19(4).</b></p>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer or surety (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• A statement of account from the data supplier as proof that the arrears owing was not settled within the 20 business day notice period contemplated in Regulation 19(4).</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Written confirmation from the data supplier that the arrears owing was not settled within the 20 business day notice period contemplated in Regulation 19(4).</li> </ul>
<p><b>Adverse Listing – The consumer or surety disputed liability for the outstanding amounts within the 20 business’ day period contemplated in Regulation 19(9).</b></p>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Proof that the dispute was logged with the data supplier</li> <li>• Contact details of Consumer or surety (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Written confirmation from the data supplier that the consumer or surety did not raise a dispute with it within the 20 business days’ notice period contemplated in Regulation 19(9); and/or</li> <li>• The consumer or surety must provide proof that they have raised a dispute prior to the listing by the data supplier.</li> </ul>
<p><b>Fraudulent Account - Account was applied for fraudulently and does not belong to the consumer</b></p>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> <li>• Affidavit referencing the fraudulent account</li> <li>• SAPS case number</li> <li>• Six sample signatures</li> <li>• Three months’ bank statements dated from the date on which the account was opened</li> <li>• A payslip for the month during which</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<p>Data supplier to provide -</p> <ul style="list-style-type: none"> <li>• copy of the Application document, or other proof of application.</li> <li>• ID, passport that was submitted by the consumer during application, or other proof of identity obtained.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Confirmation from the data supplier that the account was opened fraudulently</li> </ul>

	<p>the account was opened OR</p> <ul style="list-style-type: none"> <li>• A letter from the data supplier confirming that the account was opened fraudulently</li> </ul>		
<b>Judgment – incorrect reason</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information as it is disputed – remove masking when resolved</li> <li>• Check E4 system to see if reason was incorrectly captured</li> <li>• If incorrectly captured, require E4 to amend and resubmit</li> <li>• If correct on E4, provide a copy of the default judgment to consumer</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of the default judgment granted by the court;</li> <li>• Confirmation from the Plaintiff that the reason is correct.</li> <li>• Confirmation from the Plaintiff’s attorney that the reason is correct, together with reasonable explanation.</li> </ul>
<b>Judgment – incorrect date issued</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information as it is disputed – remove masking when resolved</li> <li>• Check E4 system to see if date was incorrectly captured</li> <li>• If incorrectly captured, require E4 to amend and resubmit</li> <li>• If correct on E4, provide a copy of the default judgment to consumer</li> <li>• If no credible evidence is obtained, the information is to be removed/updated. If incorrectly captured, require E4 to amend and resubmit</li> <li>• If correct on E4, provide a copy of the default judgment to consumer</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<p>Copy of the default judgment confirming the date issued reflected on the credit bureau corresponds with the date issued reflected on the DJ.</p>

<b>Judgment – incorrect amount</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information as it is disputed – remove masking when resolved</li> <li>• Check E4 system to see if amount was incorrectly captured</li> <li>• If incorrectly captured, require E4 to amend and resubmit</li> <li>• If correct on E4, provide a copy of the default judgment to consumer</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of the DJ confirming the judgment debt reflected on the credit bureau corresponds with the judgment debt reflected on the DJ.</li> <li>• Consumer must apply to court for amendment of the DJ in event the DJ has the amount as reflected on the bureau</li> </ul>
<b>Prescribed debt</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of the Default Judgment</li> <li>• Copy of the Acknowledgement of debt (court document)</li> <li>• Copy of the Consent to judgment OR</li> <li>• Proof from data supplier that the last payment indicated was received from the consumer where this is an acknowledgment of debt. OR</li> <li>• A voice recording where the consumer acknowledges debt or written acknowledgment of debt.</li> </ul>
<b>On-sold Debt to Third Party: Disputes from consumers about listings by 3<sup>rd</sup> parties to whom the original debt was sold by the CP</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	Copy of – <ul style="list-style-type: none"> <li>• The original credit agreement;</li> <li>• Notice of intention to list consumer reflecting amount owed as per Reg 19 (4);</li> <li>• S129 Notice, if applicable;</li> <li>• DJ granted, if applicable;</li> <li>• Any payments or settlements by the consumer post default listing;</li> <li>• Proof that the debt was sold by the CP to a 3<sup>rd</sup> party.</li> </ul>

<p><b>Debt counselling notification – consumer has withdrawn</b></p>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> <li>• Form 19 Clearance Certificate OR Copy of the Form 17.W that was issued by the debt counsellor</li> </ul>	<ul style="list-style-type: none"> <li>• Mask the information</li> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Confirmation from the NCR that the consumer has not withdrawn.</li> </ul>
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QUERIES/UPDATES			
<b>Paid up adverse</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> <li>• Settlement letter</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain credible evidence in support of the disputed information within 20 business days.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Statement of account from data supplier that the adverse account has not yet been paid in full.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Written confirmation from the data supplier that the adverse account has not yet been paid in full.</li> </ul>
<b>Civil Court Judgments – rescission</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> <li>• Copy of rescission order</li> <li>• Copy of Notice of Motion</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain credible evidence in support of the queried information.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Telephonic or written confirmation from the court at which the judgment was granted that the judgment was not rescinded.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Confirmation from Court Works that the judgment was not rescinded.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Written confirmation from the Plaintiff that it has not consented to the rescission.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Written confirmation from the Plaintiff’s attorneys that its client has not consented to the rescission.</li> </ul>
<b>Administration Order – rescission</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Copy of Section 74 Q or Section 74 U order</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain credible evidence in support of the queried information.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Written confirmation from the administrator that all the debts under the admin order was paid in full; or</li> <li>• Written confirmation from all the credit providers that each of their debts that was subject to the admin order has been paid in full.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Confirmation from Court Works that the administration order was not rescinded.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Written confirmation from the administrator that it did not attend to the rescission and the debts under the</li> </ul>

			administration order have not been settled.
<b>Sequestration – rehabilitated consumer</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Copy of the rehabilitation order</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain credible evidence in support of the queried information.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Telephonic or written confirmation from the court at which the sequestration order was granted that the consumer has not been rehabilitated</li> <li>OR</li> <li>• Confirmation from Court Works that the consumer has not been rehabilitated.</li> <li>OR</li> <li>• Written confirmation from the consumer’s attorney that the consumer has not been rehabilitated and that the debts under the sequestration have not been settled.</li> </ul>
<b>Paid up judgments</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Documentary evidence, referencing the case number and confirming that the judgment has been paid in full</li> <li>OR</li> <li>• Consent to rescission, specifically mentioning that the judgment debt has been settled in full</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain credible evidence in support of the queried information.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>• Statement from Plaintiff that the judgment debt has not yet been settled in full.</li> <li>OR</li> <li>• Statement from Plaintiff’s attorneys/collections agent that the judgment debt has not yet been settled in full.</li> <li>OR</li> <li>• Written confirmation from the Plaintiff that the judgment debt has not been settled in full.</li> <li>OR</li> <li>• Written confirmation from Plaintiff’s attorneys/collections agent that the judgment debt has not been paid in full.</li> </ul>
<b>Judgment taken against incorrect person</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain credible evidence in support of the queried information.</li> <li>• If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>OR</li> <li>• Confirmation from Plaintiff or its attorneys that it did not take judgment against the incorrect person</li> <li>OR</li> </ul>

	<ul style="list-style-type: none"> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> <li>• Judgment with supporting evidence indicating that the judgment was taken against the wrong person</li> <li>• Copy of rescission order</li> <li>• Copy of Notice of Motion or if rescinded by Plaintiff's attorneys, a letter confirming that they attended to the rescission OR</li> <li>• Letter from Plaintiff or its attorneys confirming that the judgment was taken against the incorrect person and that they are in the process of rescinding the judgment OR</li> <li>• Notice of abandonment</li> </ul>		<ul style="list-style-type: none"> <li>• Letter from Plaintiff or its attorneys confirming that the judgment was taken against the incorrect person and that they are in the process of rescinding the judgment OR</li> <li>• Notice of abandonment</li> </ul>
<p><b>Judgment against mortgage agreement where judgment was taken for the full bond amount</b></p>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> <li>• Letter confirming that the capital amount (the full bond) has been settled OR</li> <li>• Notice of abandonment</li> </ul>		<ul style="list-style-type: none"> <li>• Statement from Plaintiff that the judgment debt has not yet been settled in full. OR</li> <li>• Statement from Plaintiff's attorneys/collections agent that the judgment debt has not yet been settled in full. OR</li> <li>• Written confirmation from the Plaintiff that the judgment debt has not been settled in full. OR</li> <li>• Written confirmation from Plaintiff's attorneys/collections agent that the judgment debt has not been paid in full. OR</li> </ul>

			<ul style="list-style-type: none"> <li>Confirmation from Plaintiff or its attorneys that the judgment was not abandoned</li> </ul>
<b>Judgment taken against that debt has prescribed</b>	<ul style="list-style-type: none"> <li>Proof of identity</li> <li>Proof of address (not older than 3 months)</li> <li>Power of attorney if logged on behalf of consumer by third party agent</li> <li>Contact details of Consumer (Cell Number &amp; E-mail address)</li> <li>Copy of rescission order</li> <li>Copy of Notice of Motion or if rescinded by Plaintiff's attorneys, a letter confirming that they attended to the rescission</li> <li>OR</li> <li>Notice of abandonment</li> </ul>		
<b>Account not updated for 59 days or less</b>	<ul style="list-style-type: none"> <li>Proof of identity</li> <li>Proof of address (not older than 3 months)</li> <li>Power of attorney if logged on behalf of consumer by third party agent</li> <li>Settlement Letter</li> </ul>	Credit bureau is not required to update.	
<b>Previous enquiries</b>	<ul style="list-style-type: none"> <li>Proof of identity</li> <li>Proof of address (not older than 3 months)</li> <li>Power of attorney if logged on behalf of consumer by third party agent</li> <li>Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>Obtain credible evidence in support of the disputed information.</li> <li>If no credible evidence is obtained, the information is to be removed/updated.</li> </ul>	<ul style="list-style-type: none"> <li>Application document indicating consent as proof from the data supplier that the enquiry was made in respect of credit/a service that the consumer applied for OR reason for enquiry to be provided.</li> </ul>
<b>Update of header information</b>	<ul style="list-style-type: none"> <li>Proof of identity</li> <li>Proof of address (not older than 3 months)</li> <li>Power of attorney if logged on behalf of</li> </ul>	<ul style="list-style-type: none"> <li>Confirm the legitimacy of the information based on the consumer's valid identification document.</li> <li>Once confirmed, update.</li> </ul>	Includes an update to address, middles names, employment information, company name, contact information.

	<p>consumer by third party agent</p> <ul style="list-style-type: none"> <li>• Marital status: Copy of marriage certificate</li> <li>• Employment information: Letter of employment from employer.</li> <li>• Address details: Proof of residence – not older than three months.</li> <li>• Telephone numbers: Proof that the telephone numbers belong to the consumer.</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>		Proof required from the consumer.
<b>ID lost or stolen/verifications</b>	<ul style="list-style-type: none"> <li>• Proof of identity</li> <li>• Proof of address (not older than 3 months)</li> <li>• Power of attorney if logged on behalf of consumer by third party agent</li> <li>• SAPS affidavit</li> <li>• SAPS case number</li> <li>• Contact details of Consumer (Cell Number &amp; E-mail address)</li> </ul>	<ul style="list-style-type: none"> <li>• Flag immediately</li> <li>• Advise consumer to report the matter to SAPS</li> </ul>	
<b>COMPLAINTS</b>			
<b>Calls related to all service orientated issues</b>		All complaints must be resolved within a reasonable period and the consumer must be advised of the outcome.	
<b>GENERAL ENQUIRIES</b>			
<b>The consumer seeks information/advice and the enquiry does not have to be logged for investigation.</b>		Assist the consumer as ably as possible.	

## POLICY DIRECTIVE 020

**Title:** PD020 Debt Review Listings: removal and account updates  
**Applicable to:** All approved credit bureaus

### PURPOSE

This policy directive provides member credit bureaus with guidelines in respect of the removal and account updates for Debt Review Listings.

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### PROCESS

#### 1. **Flag Load Process**

- 1.1. Single source – DHS.
- 1.2. Daily files are received via SFTP from the NCR.
- 1.3. Rejections and reports will be sent to the NCR the following day.
- 1.4. The NCR is notified if a daily file has not been received.

#### 2. **Flag Removal Process**

##### 2.1. Consumer has withdrawn prior to the issuance of the Form 17.2

- 2.1.1. Source – dispute raised by consumer/third party.
- 2.1.2. Check if the debt review flag displays on the credit report.
- 2.1.3. If not, advise the consumer/third party.
- 2.1.4. If yes, check for a removal status code in the DHS files.
  - 2.1.4.1. If yes, remove the flag.
  - 2.1.4.2. If no, advise the consumer/third party to refer the matter to the debt counsellor who must update the DHS with a removal status code.

##### 2.2. Consumer has withdrawn by obtaining a court order

- 2.2.1. Source – dispute raised by consumer/third party.
- 2.2.2. Check if the debt review flag displays on the credit report.
  - 2.2.2.1. If not, advise the consumer/third party.

- 2.2.2.2. If yes, check for a removal status code in the DHS files.
- 2.2.3. If yes, remove the flag.
- 2.2.4. If no, advise the consumer/third party that the order must be handed to the debt counsellor who must update the DHS with the appropriate removal status code. Site the following reason: It is in the consumer's best interest to ensure that the source of the data (DHS) is updated to ensure that the flag is irrevocably removed.
- 2.2.5. If the consumer/third party refuses to comply, check whether the order specifically orders the credit bureau to remove the debt review flag.
  - 2.2.5.1. If no, advise the consumer/third party that the order must be handed to the debt counsellor who must update the DHS with the appropriate removal status code. Site the following reason: It is in the consumer's best interest to ensure that the source of the data (DHS) is updated to ensure that the flag is irrevocably removed.
  - 2.2.5.2. If yes, request the following documents:
    - 2.2.5.2.1. Proof that the debt counsellor was served with the rescission application; and
    - 2.2.5.2.2. proof that the granted order required the debt counsellor to update the DHS.
  - 2.2.5.3. Confirm the order as follows:
    - 2.2.5.3.1. Log the issue with E4 to confirm the court order.
    - 2.2.5.3.2. Confirm the court order with the court.
    - 2.2.5.3.3. Confirm the court order with the debt counsellor by submitting the rescission application and the court order to them.
  - 2.2.5.4. If the court order is confirmed as legitimate:
    - 2.2.5.4.1. Remove the flag.
    - 2.2.5.4.2. Notify the NCR of the removal at [cbupdates@ncr.org.za](mailto:cbupdates@ncr.org.za).
  - 2.2.5.5. If the court order is not confirmed as legitimate:
    - 2.2.5.5.1. Advise the consumer/third party of the credible evidence received.
    - 2.2.5.5.2. Notify the other credit bureaus via the fraud forum.
- 2.2.5.6. If the 20 business' day period expires:
  - 2.2.5.6.1. Remove the flag.
  - 2.2.5.6.2. Notify the NCR of the removal at [cbupdates@ncr.org.za](mailto:cbupdates@ncr.org.za).

### 2.3. Consumer has obtained a clearance certificate

2.3.1. Source –dispute raised by consumer/third party, or debt counsellor submission.

2.3.2. Ensure that:

2.3.2.1. the clearance certificate has been certified by the debt counsellor; and

2.3.2.2. the NCRDC number of the debt counsellor on the clearance certificate matches the NCRDC number of the debt counsellor on the bureau database and the DHS files; and

2.3.2.3. the settlement letters for the accounts listed in the clearance certificate have been submitted.

2.3.3. To remove the debt review flag:

2.3.3.1. Check the DHS file for a removal status code.

2.3.3.2. If yes, remove the flag.

2.3.3.3. If no, refer the matter to the consumer/third party, or debt counsellor with the advice that the debt counsellor must update the DHS with the appropriate removal status code.

2.3.4. To update the affected accounts:

2.3.4.1. Check the DHS file for a removal status code.

2.3.4.2. If yes:

2.3.4.2.1. set the affected accounts to paid, or closed, as indicated in the settlement letter; and

2.3.4.2.2. zerorise the negative months in arrears for all affected accounts between the date of the debt review and the clearance certificate; and

2.3.4.2.3. remove affected accounts from the adverse block.

2.3.4.3. If no, refer the matter to the consumer/third party, or debt counsellor with the advice that the debt counsellor must update the DHS with the appropriate removal status code.

Note: Judgment are not removed via this process.

### 3. **Quarterly Full Dump Analysis**

3.1. Receive notification from NCR of full dump and SFTP location.

3.2. Bureaus conduct full dump analysis and provide NCR with the results on the agreed NCR template by the agreed date.

3.3. The attached template is used by the bureaus to report on each line item.





BUREAU DATA  
EXTRACT FINAL REPORT

- 3.4. Once the analysis is complete, the NCR will advise as to which extracts need to be provided to them to justify the numbers reported on the NCR template.
- 3.5. All extracts are placed onto the SFTP site for the NCR to collect and analyse.
- 3.6 Within a month of receipt of the extracts, the NCR will advise what action needs to be taken by the Bureaus based on the analysis, for example update status codes that are not found on the Bureaus but present on the NCR base.

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## REFERENCES

*National Credit Act No.34 of 2005, as amended (Referred to as the NCA)*  
*Guidelines issued by the NCR in relation to Debt Review*

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## GENERIC SPURIOUS THIRD-PARTY DISPUTES AND ESCALATION PROCESS FOR CBA MEMBER BUREAUS

### WHAT IS A SPURIOUS THIRD-PARTY DISPUTE?

A dispute received through a third party claiming to represent a consumer and who provides any of the following combination of documentation or scenarios:

- suspicious documentation – refer to fraudulent documentation handling
- documentation containing conflicting information
- documentation containing changed/amended/inconsistent information
- absence of official letterheads
- usage of gmail/ymail and non-business-related e-mail addresses

### CHANNELS FOR SUBMITTING THESE DISPUTES

Third parties usually submit these requests by:

- email
- fax
- telephone
- word document attachment to an email

### LOGGING DISPUTES – **recommended additional requirements for Third Party Dispute handling by bureaus**

Check bureau central log for fraudulent notifications from other bureaus.

On receipt of a dispute received through the above-mentioned channels, the following consumer documentation is required:

- Power of Attorney from consumer to third party
- Copy of Consumer's ID
- Proof of consumer's residence (dated within last 3 months)
- Contact details of the Consumer (E-mail & Cell Number)

The following Third-Party Agent documentation is also required:

- Copy of CIPC CoR14.3 and CoR 39 where there has been a change of directors, together with a copy of the relevant ID documents of the sole proprietor or directors/partners.
- The date of incorporation of the company or copy of the notice of incorporation issued by CIPC.
- The full names and identity of the person in whose favour the power of attorney has been granted, together a copy of their ID and proof of residence.

All documentation must be checked for evidence of fraud as well as identifying those third parties who utilise repetitive dispute reasons when representing multiple consumers.

#### VERIFICATION

Should any of the above-mentioned anomalies/inconsistencies occur on receipt of a dispute the following rules should be followed:

- Contact the consumer directly and verify the details of the dispute by obtaining detailed confirmation thereof as well as clear confirmation that the consumer has appointed the third-party agent to represent him/her
- If the Consumer confirms that this is correct – the dispute process may continue.
- If the Consumer denies the third party's appointment but wishes to continue with the dispute process – third party agent is informed that all further communication will be directly with the consumer.
- If the Consumer denies giving consent and does not want to continue with the dispute – the dispute must be cancelled, and the third party will be notified that the process is closed as per instructions received from the consumer.
- If the Consumer cannot be contacted for verification – Request further information from the third party, such as that the Consumer must contact the bureau directly, before dispute process can commence and based on inconclusive evidence received from the third-party representative.

#### COMMUNICATION & SHARING OF INFORMATION

All confirmed fraudulent third-party dispute requests should be forwarded to a CBA member credit bureau via e-mail and to the following addresses as well as to the NCR:

Consumer Profile Bureau:	fraud@cpbonline.co.za
Compuscan:	fraud@compuscan.co.za
Experian:	Liubella.Depalal@experian.com
TransUnion:	GMower@transunion.co.za
XDS:	gnaidoo@xds.co.za
VeriCred:	legal@vccb.co.za
NCR:	xmahlangu@ncr.org.za

THIRD PARTY DISPUTE HANDLING

